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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,030	03/13/2001	Yasuyuki Shintani	OGO:069	8138

7590 01/12/2005
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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,030

Applicant(s)

SHINTANI ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-75 is/are rejected.
- 7) ☒ Claim(s) 57-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Examiner's Response

1. In response to applicant's amendment filed 11-9-2004, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Objections

2. Claims 57 and 58 objected to under 37 CFR 1.75 because these claims are duplicates. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 41-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welmer (US 5499018) in view of Van Dort (US 5537104).

Welmer discloses an appliance communication system with condition information, setting information and/or data such as character set, format, status, transmit status once, transit status each change and address. Any of these may be alternatively called condition information, setting information

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or data. An initiating device requests character set and format from another device and further request a status response that may be in a one time mode or with each change. The initiating device sends its address to be stored monitored device to form a link. See col. 6-7. Regarding the amended limitation of controlling a linked operation, col. 8 lines 50-54 discloses issuing a PLAY command without further user intervention to the VCR in response to a status message indicating the tape is fully rewound. This is efficient since it operates without further user intervention. But Welmer does not expressly disclose controlling operation of a second appliance in response to the condition at the first appliance.

Van Dort discloses a system for equipment control where a plurality of equipment units or appliances are linked. Appliances store event tables with addresses of linked appliances and instructions corresponding to linked control operation of second appliance upon changes of state of the first appliance. Note that appliances can include an event table to control another appliance and can receive commands for being controlled by the other appliance or a different appliance. See Cols. 1 and 5-7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included control

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of a second appliance in response to status of a first appliance as disclosed in Van Dort to provide direct, automatic control with advantages such as flexible control, reconfiguration with little preparation and linking of partially overlapping groups that can be easily extended. The direct, automatic control provides efficient operation, as best understood, since further user intervention is not required and the direct control allows operation with communicating with a central controller.

Regarding claim 41-47 and 67, if transmitting a setting demand if the receiving appliance response does not include information about transmit conditions or conditions are not set, the such would have been obvious because it at least suggested by col. 8 lines 11-12 of Welmer including setting if there is room to store information and it common in the programming art to verify if information is already programmed before overwriting. Additionally, col. 8 lines 35-37 of Welmer discloses if the status message does not contain a required piece of information, it can server as a prompt to an appliance to ask (demand) for that specific property.

5. Claims 44, 46, 49-56, 59, 63-64, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welmer (US 5499018) alone or in view of Van Dort (US 5537104) as applied above in view of Burgmann (US 4801924). Welmer does not specify periodic

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information. Regarding claims 49-56, 59, 63-64, 67, and 44-46 , Burgmann discloses a programmable status transmitter with memory programmed to transmit status at change and/or at a programmed interval in col. 4. Appliance operation is included as a status in claim 1 of Burgmann. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Welmer the time period of claims 44, 46, 49-56, 59, 63-64 and 44-46 because this is disclosed in analogous art by Burgmann to allow customized, programmable monitoring of status.

Response to Arguments

6. Applicant's arguments filed 11-09-2004 and 08-30-2004 have been fully considered but they are moot in view of the new grounds of rejection. The argument that Welmer lacks a linked operation of a second appliance is moot in view of Van Dort disclosing direct linked operation of a second appliance in response to a condition at a first appliance.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll

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free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
1/10/05


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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